IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CIRREX SYSTEMS LLC,	)	
Plaintiff,	)	CIVIL ACTION NO.:
v.	)	
OZ OPTICS, INC.,	)	**JURY TRIAL DEMANDED**
Defendant.	)	

COMPLAINT

Plaintiff Cirrex Systems LLC ("Cirrex"), by its attorneys, brings this Complaint to stop and remedy the infringement, in this district and elsewhere, of Cirrex's United States patent rights relating to optical fibers, by defendant OZ Optics, Inc. ("OZ Optics"). Cirrex alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1, et seq. Cirrex seeks monetary damages and permanent injunctive relief against OZ Optics.

THE PARTIES

2. Cirrex is a limited liability company organized under the laws of Georgia, having its principal place of business at 4425 Mariners Ridge, Alpharetta, Georgia 30005.

3. On information and belief, OZ Optics is a corporation organized under the laws of Delaware, having a principal place of business at 219 Westbrook Road, Ottawa, Ontario, K0A 1L0, Canada.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

5. On information and belief, OZ Optics maintains a sales office in this judicial district. OZ Optics maintains a website at http://www.ozoptics.com. OZ Optics' website lists sales offices in various locations, including "USA - Georgia" and provides telephone and email contact information for each sales office. On information and belief, OZ Optics' Georgia sales office is located in Austell, Georgia in this judicial district.

6. On information and belief, OZ Optics has purposefully availed itself of the protections of the state of Georgia by maintaining continuous and systematic contacts including by transacting business within this judicial district,

regularly doing or soliciting business in this judicial district, deriving substantial revenue from goods used or consumed or services rendered in this judicial district, committing tortuous acts within this judicial district, committing tortuous injury to Cirrex in this judicial district, and/or engaging in other persistent courses of conduct in this judicial district.

7. OZ Optics' website(s) are interactive, commercial website(s) that are accessible to consumers, including consumers in this judicial district. OZ Optics promotes and solicits businesses and sales by, *inter alia*, making available to consumers located in this judicial district information concerning its optical fibers with integrated dichroic filters. OZ Optics also advertises and promotes employment opportunities with OZ Optics to interested applicants through its website (http://www.OZOptics.com/careers/job_listing.html), including to consumers and applicants in this judicial district.

8. OZ Optics' activities subject it to personal jurisdiction in this district.

9. Venue in this Court is proper under 28 U.S.C. §§ 1391 and 1400.

BACKGROUND

The '970 Patent

10. On April 24, 2001 the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,222,970 ("the '970 Patent")

entitled “Methods and Apparatus for Filtering an Optical Fiber” to inventors Michael L. Wach and Eric T. Marple. A true and correct copy of the ‘970 Patent is attached hereto as Exhibit A.

11. The ‘970 Patent discloses and claims, *inter alia*, novel filtering and contouring of optical fiber end faces.

12. The ‘970 Patent is currently in full force and effect. In accordance with 35 U.S.C. § 282, the ‘970 Patent, and each and every claim thereof, is presumed to be valid.

13. All rights, title and interest in and to the ‘970 Patent have been assigned to Cirrex, which is the sole owner of the ‘970 Patent.

INFRINGEMENT OF THE PATENTS

14. Upon information and belief, OZ Optics has made, used, promoted, offered to sell, and sold and continues to make, use, promote, offer to sell and sell within the United States, optical fiber products and services including, but not limited to, optical fibers with integrated dichroic filters, as well as other related products, processes, and machinery for producing such products, which infringe, include, and/or practice one or more of the inventions claimed in the ‘970 Patent.

COUNT ONE
FOR INFRINGEMENT OF THE '970 PATENT

15. Cirrex repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the previous paragraphs of this Complaint.

16. On information and belief, OZ Optics has infringed and continues to infringe, has actively and knowingly induced and continues to actively and knowingly induce infringement of, and/or has contributed to and continues to contribute to acts of infringement of one or more claims of the '970 Patent, in violation of one of more of 35 U.S.C. §§ 271(a), (b), (c), and/or (f).

17. OZ Optics' acts of making, using, selling, and offering for sale fiber optic products, including optical fibers with integrated dichroic filters, that infringe, use, include, and/or practice one or more of the inventions claimed in the '970 Patent have been without the permission, consent, authorization, or license of Cirrex.

18. OZ Optics has caused and will continue to cause Cirrex irreparable injury and damage by directly infringing, actively inducing others to infringe, and/or contributing to the infringement of the '970 Patent. Cirrex will suffer further irreparable injury, for which Cirrex has no adequate remedy at law, unless and until OZ Optics is enjoined from infringing the '970 patent.

19. OZ Optics will continue to engage in such infringing activities unless enjoined by the Court.

PRAYER FOR RELIEF

WHEREFORE, Cirrex respectfully prays for entry of a judgment as follows:

A. Finding that OZ Optics, has infringed, induced infringement of, and/or contributorily infringed one or more claims of the '970 Patent;

B. Awarding Cirrex damages for OZ Optics' infringement, inducement of infringement, and/or contributory infringement of the '970 Patent;

C. Permanently enjoining OZ Optics, its officers, agents, servants, representatives, and employees, and all persons acting in concert with them, and each of them, from further infringing, inducing the infringement of, and/or contributorily infringing the '970 Patent;

D. Increasing damages awarded to Cirrex in this case to up to three times the damages amount found by the jury or assessed by the Court pursuant to 35 U.S.C. § 284;

E. Awarding Cirrex costs and prejudgment interest pursuant to 35 U.S.C. § 284;

F. Declaring this case to be "exceptional" under 35 U.S.C. § 285 and awarding Cirrex its attorneys' fees, expenses, and costs incurred in this action; and

G. Awarding Cirrex such other and further relief as the Court deems just, proper, and equitable.

DEMAND FOR JURY TRIAL

Cirrex hereby demands a trial by jury on all issues so triable as a matter of right and law.

Respectfully submitted this 27th day of July, 2010.

KING & SPALDING LLP

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